IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F044221   **People v. Smeltzer**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rule of Court, it is further ordered that the remittutur issue forthwith.

F042419   **County of Kern v. Vontz**
The judgment is reversed. The superior court is directed to vacate its order granting County's motion for summary judgment and to enter an order denying that motion. Appellant is awarded costs on appeal. Dawson, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042615   **People v. Clark**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042615   **People v. Clark**
The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042669   **People v. Lopez**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F042669   **People v. Lopez**
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042792   **People v. Sherrell**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F044409   **In re Michael B., a Minor; Fresno County Department of Children and Family Services v. Rosa G.**
Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F044409   **In re Michael B., a Minor; Fresno County Department of Children and Family Services v. Rosa G.**
The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044318   **In re Michael B., a Minor**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F044318   **In re Michael B., a Minor**
The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042366   **People v. Moreno**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

Court of Appeal of the State of California

Fifth Appellate District

F042366 **People v. Moreno**
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F032113 **People v. Benitez**
The above-entitled case is submitted for decision.

F043113 **People v. Benitez**
The judgment is modified to award Benitez an additional 165 days of presentence custody credit, as calculated above, against the concurrent two-year term the court imposed in the instant case (No. 1026087). The judgment is also modified to reduce the restitution fine and parole revocation fine the court imposed in the instant case to $200 each. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043733 **People v. Treglia**
The above-entitled case is submitted for decision.

F043733 **People v. Treglia**
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041845 **People v. Wheat**
Appellant's petition for rehearing filed herein is denied.

F041585 **EDM Industries Inc. v. County of Kern et al.**
Filed order denying request for publication of the opinion.